

PUBLIC NOTICE



FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET, S.W.

WASHINGTON, D.C. 20554

DA 00-417

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EAGLENET, INC., PANHANDLE TELEPHONE COOPERATIVE, INC., AND PIONEER TELEPHONE COOPERATIVE, INC. SEEK WAIVER OF THE DEFINITION OF "STUDY AREA" IN PART 36 OF THE COMMISSION'S RULES

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: February 29, 2000

Comment Date: March 21, 2000

Reply Comment Date: March 31, 2000

On January 24, 2000, EagleNet, Inc. (EagleNet), Panhandle Telephone Cooperative, Inc., Panhandle Telephone Cooperative, Inc., and Pioneer Telephone Cooperative, Inc. (Pioneer), filed a joint petition for waiver of the definition of "study area" as set forth in Part 36 of the Commission's rules.¹ That definition constitutes a rule freezing all study area boundaries.

On February 18, 1994, the Commission waived several of its rules to effectuate the proposed sale to EagleNet of 14 rural GTE telephone exchanges in Oklahoma.² EagleNet and Pioneer entered into an agreement for the subsequent sale of the assets associated with six of those telephone exchanges, which were contiguous with the Pioneer telephone exchanges. The six subject telephone exchanges were transferred from EagleNet to Pioneer, which has since operated the telephone exchanges independently, but within the parameters of the EagleNet study area.

Petitioners seek to segregate the Pioneer telephone exchanges and associate these telephone exchanges with the existing Pioneer study area. Petitioners contend that this waiver is sought to regularize reporting and accounting practices, and to respond in a reasonable and orderly manner to

¹ Pioneer Telephone Cooperative, Inc, Panhandle Telephone Cooperative, Inc., and EagleNet, Inc. Joint Petition for Waiver of the Definition of "Study Area" in the Appendix-Glossary of Part 36 (January 24, 2000).

² *GTE Southwest Incorporated and Pioneer Telephone Cooperative Joint Petition for Waiver of Definition of "Study Area" contained in Part 36, Appendix-Glossary of the Commission's Rules and EagleNet, Inc. Petition for Waiver of Sections 61.41(c) and 69.3(e)(11) of the Commission's Rules*, Memorandum Opinion and Order, 9 FCC Rcd 1008 (1994).

the notification from the National Exchange Carrier Association, Inc. that it will no longer accept petitioners' prior practice of conducting separate studies for each of the EagleNet and Pioneer study areas for consolidation at the Part 69 reporting level. Further, petitioners state that grant of the requested waiver will enable them to complete the process of independent operation of the subject exchanges.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **March 21, 2000**, and reply comments on or before **March 31, 2000**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

Parties also must send three paper copies of their filing to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20037.

Pursuant to section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Adrian Wright, Accounting Policy Division, Common Carrier Bureau at (202) 418-7400, TTY (202) 418-0484.